

11-11-17-3

AF/1654

Docket No. 0263-4047

RECEIVED
NOV 28 2003
TECH CENTER 1600
1654
8062900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Shuji SUMIDA et al.

Group Art Unit: 1654

Serial No.: 09/622,487

Examiner: RUSSELL, Jeffrey E.

Filed: August 17, 2000

For: PROTEIN-FREE FORMULATIONS

EXPRESS MAIL CERTIFICATE

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV 245 501 492US

Date of Deposit: November 14, 2003

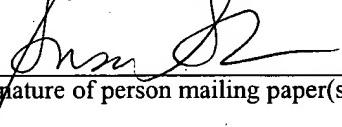
I hereby certify that the following attached paper(s) and/or fee

1. Communication to the Examiner;
2. Return postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

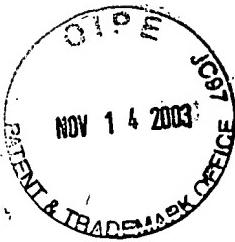
Susan Shen

(Typed or printed name of person mailing papers(s) and/or fee)


(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile



Docket No. 0263-4047

NOV 18 2003

TECH CENTER 1600/2900

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Shuji SUMIDA et al.

Group Art Unit: 1654

Serial No.: 09/622,487

Examiner: Jeffrey E. Russell

Filed: August 17, 2000

For: PROTEIN-FREE FORMULATIONS

COMMUNICATION TO THE EXAMINER

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sir:

Further to the Interview between Applicants' representatives and the Examiner held on [redacted] July 2, 2003, Applicants submit with this communication a table summarizing experiments that Applicants propose to perform for a §132 Declaration to overcome the pending obviousness rejections (see Appendix 1). It is Applicants' understanding that the Examiner has kindly agreed to review any proposed experiments before they are performed in order to ensure that they properly address the obviousness issues.

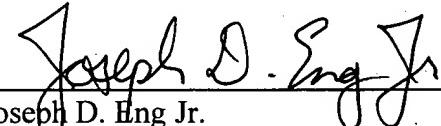
Because the experiments take time to perform, Applicants would greatly appreciate a prompt response from the Examiner regarding the suitability of the proposed experiments. If the Examiner has any questions regarding the experiments or any other aspect of this case, he is invited to contact the undersigned at the number provided.

The Commissioner is hereby authorized to charge any fees which may be required for consideration of this paper to Deposit Account No. 13-4500, Order No. 0263-4047. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 14, 2003

By:


Joseph D. Eng Jr.
Registration No. 54,084
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

Appendix 1

Applicants intend to conduct a comparative test between Test Sample 1 or 2 with Example 2 of Tsuji et al. and Example 2 of JP4-77436A (see table below) at a temperature of 40 °C for two weeks. For the Examiner's convenience, compositions of the present invention, Tsuji and JP 4-77436A are also summarized.

	Document	Formulation	Polysorbate 20	Polysorbate 80	G-CSF	Phosphate buffer	pH	mannitol	NaCl	HSA
	Present Invention	Table 1	0.1 mg/mL		250 µg/mL	25 mM	pH 4~8	30 mg/mL		
	Tsuji et al. (USP 5202117)	Example 2		0.1 mg/mL	100 µg/mL	10 mM	pH 7.0		Isotonic	
	JP 4-77436A	Example 2		0.1 mg/mL	100 µg/mL	10 mM	pH 7.0		Isotonic	
A	Test Sample 1		0.1 mg/mL		100 µg/mL	10 mM	pH 6.8		Isotonic	
B	Test Sample 2			0.1 mg/mL	100 µg/mL	10 mM	pH 6.8		Isotonic	